

REMARKS

Reconsideration of this application as amended is respectfully requested.

Claims 1-14 are pending. Claims 1, 3, 6, 7, 8, 11 and 13 have been amended. New claims 15 and 16 have been added. Support for the amendments is found in the specification, the drawings, and in the claims as originally filed. Applicant submits that the amendments do not add new matter.

Information Disclosure Statement

Applicant has included a copy of the PTO-1449 form that was previously omitted in the Information Disclosure Statement mailed on April 16, 2003.

Rejections Under 35 U.S.C. § 112

Claims 6 and 13 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claims the subject matter which applicant regards as the invention. Claims 6 and 13 have been amended to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Therefore, Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. §112, second paragraph.

Rejections Under 35 U.S.C. § 102(b)

Claims 1, 2, 7, 9, 11, 13 and 14 were rejected under 35 U.S.C. § 102(b) as being clearly anticipated by "Design of an Internet-based System For Remote Dutch Auctions," of Rockoff, et al. ("Rockoff").

Rockoff describes an Internet-based system for remote Dutch auctions. The system provides a bidder interface that presents to the bidder an auction clock showing the current offer price. The clock progresses at the rate set by the auction coordinator. When the offer price reaches a value acceptable to a bidder, the bidder clicks the bid button on the bidder interface. A bidder's click of

the bid button causes the auction clock to stop. At that point, the bidder enters the amount of product he or she wishes to purchase at the indicated price. The rate of the clock is set by the auction coordinator using an auctioneer terminal interface and cannot be modified by any bidder (Rockoff, page 13 and Figure 4).

The Examiner asserts that the bidder interface in Rockoff is an equivalent of a bid adjustment mechanism claimed in the present invention. Applicant respectfully disagrees. The bidder interface in Rockoff displays a current offer price and does not allow for setting a bidder-specific bid adjustment value by which the current bid can be adjusted, as required by the presently claimed invention. Instead, the bidder interface displays predefined price increments corresponding to clock movements that are common to all bidders and are set based on input provided by the auction coordinator, and not the input provided by an individual bidder, as claimed in the presently claimed invention. As a result, in Rockoff, there is no bidder-specific bid adjustment mechanism as opposed to the present invention which allows each bidder to configure a distinct bid adjustment value according to this bidder's needs. Accordingly, Rockoff does not teach or suggest the pertinent feature of the present invention that is included in the following language of claim 1:

... (b) setting a bid adjustment value for the bid adjustment mechanism based on input provided by a bidder using the configuration interface, such that when the bid adjustment mechanism is actuated, a bid is adjusted by the bid adjustment value set in the configuration interface.

The above limitation is also included in the claim language of claims 7, 11, 13, 15 and 16. Thus, the present invention as claimed in claims 1, 7, 11, 13, 15 and 16, and their corresponding dependent claims, is not anticipated by Rockoff. Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. §102(b).

Rejections Under 35 U.S.C. § 103(a)

Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Rockoff.

Claims 3-5, 8 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rockoff and further in view of U.S. Patent No. 5,835,896 of Fisher, et al., ("Fisher"). As discussed above, Rockoff does not teach or suggest setting a bid adjustment value for a bid adjustment mechanism based on input provided by a bidder using a configuration interface, such that when the bid adjustment mechanism is actuated, a bid is adjusted by the bid adjustment value set in the configuration interface, as claimed in the present invention. This feature is also missing from Fisher. Thus, Rockoff and Fisher, taken alone or in combination, do not teach or suggest the present invention as claimed in claims 1, 7, 11, 13, 15 and 16, and their corresponding dependent claims. Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. §103(a). Applicant furthermore submits that all pending claims are in condition for allowance, which action is earnestly solicited.

Deposit Account Authorization


Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Marina Portnova at (408) 720-8300.

Respectfully submitted,

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